

Message Text

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ACTION DLOS-06

INFO OCT-01 EA-07 IO-13 ISO-00 AF-08 ARA-06 EUR-12 NEA-10

FEA-01 ACDA-07 AGR-05 AID-05 CEA-01 CEQ-01 CG-00

CIAE-00 CIEP-01 COME-00 DODE-00 DOTE-00 EB-07 EPA-01

ERDA-05 FMC-01 TRSE-00 H-02 INR-07 INT-05 JUSE-00

L-03 NSAE-00 NSC-05 NSF-01 OES-06 OMB-01 PA-01 PM-04

PRS-01 SP-02 SS-15 USIA-06 SAL-01 OIC-02 /160 W

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P R 262335Z AUG 76

FM USMISSION USUN NY

TO SECSTATE WASHDC PRIORITY 8894

INFO AMEMBASSY TOKYO

AMEMBASSY KUALA LUMPUR

AMEMBASSY SINGAPORE

C O N F I D E N T I A L USUN 3469

FROM US DEL LOS

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: STRAITS

1) SUMMARY: HEAD OF JAPANESE DELEGATION FUJISAKI INFORMED US TODAY THAT IF U.S. AGREED WITH MALAYSIA TO INSERT REFERENCE TO UNDER-KEEL CLEARANCE IN ARTICLE 39 IN STRAITS ARTICLES, JAPAN WOULD BE REQUIRED TO PROPOSE THAT SUBMARINES NAVIGATE ON THE SURFACE IN STRAITS. END SUMMARY.

2) IN MEETINGS WITH THE MALAYSIANS, US DEL REPEATEDLY MADE CLEAR THAT PACKAGE ON STRAITS ARTICLES AND SUBMISSION TO IMCO ON UNDER-KEEL CLEARANCE REQUIREMENTS FOR MALACCA WOULD HAVE TO BE NEGOTIATED WITH THE PRINCIPAL USER STATES. THE MALAYSIANS HAVE UNDERSTOOD THAT THE U.S. WOULD NOT
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PUBLICLY SPLIT WITH THE JAPANESE ON THE ISSUE. MOREOVER,

WE HAVE STRESSED THAT WE WILL NOT REPEAT NOT ACCEPT UNILATERAL RIGHT OF STRAITS STATES TO IMPOSE UNDER-KEEL CLEARANCE REQUIREMENTS, OR OTHER REQUIREMENTS. (THIS WAS THE EFFECT OF A VARIETY OF AMENDMENTS PRESENTED TO US BY THE MALAYSIANS, WHICH ALSO PICKED UP THE LIST OF PROHIBITIONS WITH RESPECT TO INNOCENT PASSAGE CONTAINED IN ART. 18(2) AND RESTRICTIONS ON OVERFLIGHT). AT THE SAME TIME, WE HAVE STRESSED TO THE MALAYSIANS THAT WHILE ARTICLE 39 OF THE STRAITS ARTICLES REFERS EXPRESSLY TO SEA LANES AND TRAFFIC SEPARATION SCHEMES, IT IS OUR OPINION THAT UNDER-KEEL CLEARANCE REQUIREMENTS CAN BE INCLUDED IN THE SUBMISSION TO IMCO OF SUCH SCHEMES. ATTORNEY GENERAL KADIR SEEMED TO SIGNAL THAT IT WOULD BE POLITICALLY HELPFUL IF THIS WAS MADE EXPLICIT. WE INDICATED SYMPATHY, BUT HAVE STRESSED THAT IT WOULD HAVE TO BE RAISED AT A MEETING WITH PRINCIPAL USER STATES. WE HAVE LEARNED FROM SINGAPORE THAT KADIR WAS UPSET WITH NEGATIVE REACTION TO HIS AMENDMENTS FROM U.S. AND SOVIETS, AND FEELS HE IS A "MERE OBSERVER" AT THE CONFERENCE.

3) WE HAVE KEPT JAPANESE DELEGATION INFORMED IN DETAIL OF OUR CONVERSATIONS WITH THE MALAYSIANS. KADAIR, FOR THE FIRST TIME, SAID THAT THE MALAYSIANS WOULD SIGN AND RATIFY A LOS TREATY IF UNDER-KEEL CLEARANCE PROBLEMS ARE ADEQUATELY DEALT WITH. IN MORE RECENT CONVERSATIONS WITH JAPANESE DELEGATION, WE STRESSED GREAT ADVANTAGE TO JAPAN OF ACHIEVING MALAYSIAN AGREEMENT BY A TREATY TO A PERMANENT FAVORABLE STRAITS REGIME IN EXCHANGE FOR AN AGREED SETTLEMENT WITH MALAYSIA ON SUBMISSION TO IMCO FOR UNDER-KEEL CLEARANCE. OUR DISTINCT IMPRESSION, FOR REASONS WE DO NOT UNDERSTAND, IS THAT TOKYO IS DRAGGING ITS HEELS. US DEL APPRECIATES IMPORTANT ECONOMIC CONSEQUENCES TO JAPANESE FOR THE PRECISE FIGURES USED FOR UNDER-KEEL CLEARANCE IN MALACCA AND HAS TAKEN NO REPEAT NO POSITION ON THAT ISSUE IN CONVERSATIONS WITH ANY DELEGATION. WE HAVE STRESSED TO THE JAPANESE THAT WE DO FEEL THAT MORE RAPID ACTION BY THE GOJ ON THE ISSUE WOULD BE IN THEIR INTEREST.

4) ON AUGUST 26, FUJISAKI INFORMED US THAT IF U.S.
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AGREED TO INSERT REFERENCE TO UNDER-KEEL CLEARANCE IN THE STRAITS ARTICLES, JAPAN WOULD BE FORCED TO PROPOSE THAT SUBMARINES NAVIGATE ON THE SURFACE. GOJ IS UNDER INTENSE POLITICAL PRESSURES FROM THE LEFT AND THE RIGHT ON THE TSUGARU STRAIT PROBLEM, AND WAS DEALING WITH THEM BY SAYING THAT NO CHANGES COULD BE MADE IN THE STRAITS ARTICLES, AND THAT IF ANY PART OF THEM WERE OPENED FOR AMENDMENT, THAT WOULD OPEN THE DOOR TO OTHER AMENDMENTS THAT PREJUDICE

JAPAN'S TANKER INTEREST. THUS, ANY AMENDMENT DEALING WITH TANKER PROBLEMS WOULD REDUCE THE GOVERNMENT'S ABILITY TO RESIST SUBMITTING JAPANESE AMENDMENTS TO THE STRAITS ARTICLES.

5) COMMENT: IN ADDITION TO POLITICAL FEARS, JAPAN MAY FEAR THAT MALAYSIANS WILL SUBMIT A PROPOSAL TO IMCO BEFORE IT IS AGREED WITH JAPAN, AND MIGHT GET APPROVAL, DESPITE MARITIME STATES DOMINANCE IN IMCO.. THIS RISK EXISTS TODAY, BUT THE GOJ MAY PERCEIVE THE RISK TO BE LESS. US DEL RECALLS NO REPEAT NO POINT IN THE HISTORY OF THE NEGOTIATIONS IN WHICH JAPANESE HAVE MADE SUCH A BLUNT THREAT, ALTHOUGH THEY HAVE CONSISTENTLY SOUGHT OUR COOPERATION IN DEALING WITH ISSUES IN A WAY THAT HAS HELPED THEM AVOID POLITICAL PROBLEMS-- AND HAVE RECEIVED THAT HELP. WHILE IT APPEARS WE HAVE LITTLE CHOICE BUT TO GO ALONG WITH THE JAPANESE, WE ARE CONCERNED (1) THAT WE WILL APPEAR TO BE TRULY STUBBORN IN OUR DEALINGS WITH MALAYSIANS AND OTHERS IN THE CONFERENCE, (2) THAT FAILURE TO GIVE MALAYSIA A POLITICAL FACE-SAVING CLARIFICATION AT THE RIGHT TIME COULD SPELL THE DIFFERENCE BETWEEN HER ABILITY TO ACCEPT STRAITS ARTICLES (OR AT LEAST KEEP QUIET IN THE CONFERENCE) AND OVERT OPPOSITION, (3) THAT SOVIETS MAY UNDER PRESSURE, MOVE TO ACCOMMODATE MALAYSIANS IN MANNER FAR MORE PREJUDICIAL TO U.S. AND JAPAN BECAUSE THEY DO NOT SHARE INTEREST IN MOVEMENT OF LARGE TANKERS. COMMENT WOULD BE APPRECIATED.
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Margaret P. Grafeld
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Subject: LOS: STRAITS 1) SUMMARY: HEAD OF JAPANESE DELEGATION FUJISAKI IN- FORMED US TODAY THAT IF U.S. AGREED WITH MALAYSIA
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